

Applicants have amended Figs. 4-15 to conform to the specification as originally filed.

Accordingly, in view of the remarks set forth below, Applicants respectfully request reconsideration and allowance of the application as amended.

**Rejections Under 35 U.S.C. § 112**

The Examiner rejected claims 32-91 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s) had possession of the claimed invention. Specifically, the Examiner stated:

The recitation of an area defined by an intersection of a word line and a bit line wherein at least one of the access device and the memory element is disposed wholly in the area can be interpreted as setting forth structure not supported by the specification as originally filed. In fact, Fig. 15 shows both the access device comprising two layers 40 and 42, and the memory element (56, 58, 60) having portions formed outside the area. Therefore, the access device and the memory element are not disposed wholly in the area defined by an intersection of a word line and a bit line.

Applicants respectfully traverse this rejection. Although the Examiner is correct that the drawings illustrate portions of the access device formed outside of the area defined by the digit line 24, the drawings are clearly in error and the specification as originally filed fully supports the subject matter set forth in the pending claims. Specifically, Applicants respectfully direct the Examiner's attention to page 14, line 9, through page 15, line 14, of the specification. In this portion of the specification, both Figs. 4 and 15 are discussed as disclosing an X-point memory cell that is formed *within the crossing area* of the word line 22 and the digit line 24. Specifically, this portion of the specification states that by reducing the active area, and thus the

programming current, of the memory element 30, the size of the access device may be reduced to create such an X-point memory cell. Therefore, the specification as originally filed fully supports the currently claimed subject matter.

Because the originally filed specification fully supports the currently claimed subject matter, claims 32-91 are not unpatentable under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification. Rather, it is the originally filed drawings that are objectionable for failing to conform to the specification as originally filed. It is a long-standing rule that amendments to an application must conform to matter found in the specification, drawings, *or* claims as originally filed. *See In re Oda*, 170 U.S.P.Q. 268 (C.C.P.A. 1971); *In re Benno*, 226 U.S.P.Q. 683 (Fed. Cir. 1985). It is also a long-standing proposition that obvious errors in an application may be corrected without introducing prohibited new matter. *See In re Oda*, 170 U.S.P.Q. 268 (C.C.P.A. 1971); *Ex parte Brodbeck*, 199 U.S.P.Q. 230 (Pat. Off. Bd. App. 1977). Because original Figs. 4-15 do not conform to the specification as originally filed and/or because such drawings, by virtue of their non-conformance, contain an error that could be easily detected and corrected by one of ordinary skill in the art, Applicants respectfully submit amended Figs. 4-15 in which the digit line 24 is widened such that the illustrated X-point memory cell is contained within the area defined by the crossing of the word line 22 and the digit line 24. Thus, these amendments conform the drawings to the originally filed specification as permitted in accordance with the principles mentioned above.

Upon entry of the proposed amendments to Figs. 4-15, Applicants will submit formal drawings incorporating the approved amendments. Furthermore, upon approval and entry of the

drawing amendments, Applicants respectfully submit that the present application is in condition for allowance. Therefore, Applicants respectfully request that the Examiner enter the proposed drawing amendments and allow claims 32-91.

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of all pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number below.

**General Authorization for Extensions of Time**

Although no fee is currently believed to be due, in accordance with 37 C.F.R. § 1.136, Applicants hereby provide a general authorization to treat this and any future reply requiring an extension of time as incorporating a request therefor. Furthermore, Applicants authorize the Commissioner to charge the appropriate fee for any extension of time (**including the one-month currently due**) to Deposit Account No. 13-3092; Order No. MCRO:0106--2/FLE (95-0412.02).

Respectfully submitted,

Date: March 19, 2003

  
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